

Provider Responsibilities – Supplemental Educational Services (SES)

Standards Alignment

Providers must ensure that the instruction provided is aligned with North Dakota student academic achievement standards and in the case of a student with disabilities, is consistent with the student's Individualized Education Program (IEP) under section 614(d) of the Individuals with Disabilities Education Act.

Achievement Goals

Providers must enable the student to attain his or her specific achievement goals, as established by the LEA, in consultation with the student's parents and the provider [Section 1116(e)(3)(A)].

Progress Reports

Providers must measure the student's progress, and regularly informing the student's parents and teachers of that progress [Section 1116(e)(3)(A) and Section 1116(e)(3)(B)]. The progress reports, to the extent practicable, must be in a language that parents can understand.

Formal Agreement

Providers must have an official written agreement with every local school district in which they serve eligible students. The agreement must include the following:

- ❑ A statement of specific achievement goals for each student based upon their specific educational needs, developed in consultation with the student's parents.
- ❑ A description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress.
- ❑ A timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's IEP.
- ❑ The amount of instructional time to be provided.
- ❑ The location where services will be provided.
- ❑ The means of transporting students to the place of instruction if the services will be provided in a location other than the student's school.
- ❑ A description of how the student's parents, teacher(s), and school district will be regularly informed of the student's progress in the supplemental services program.
- ❑ Provisions for the termination of the agreement if the provider fails to meet student progress goals and timetables.
- ❑ Provisions with respect to the making of payments to the provider by the school district, which may include provisions addressing missed sessions.
- ❑ An assurance from the provider that the identity of any student eligible for or receiving supplemental educational services will not be disclosed without the written permission of the parents of the student.
- ❑ An assurance that supplemental educational services will be provided consistent with applicable health, safety, and civil rights laws.

Code of Ethics

Providers must ensure that all employees abide by the *North Dakota SES Providers' Code of Ethics*.

Background Checks

Providers must ensure all employees who will interact with students will be fingerprinted and background checked pursuant to the Education Standards and Practices Board teacher licensure procedures.

Billing Requirements

The law establishes a joint funding mechanism for choice-related transportation (year one and beyond of program improvement identification) and supplemental educational services. Unless a lesser amount is needed to meet demand for choice-related transportation and to satisfy all requests for supplemental educational services, an LEA must spend an amount equal to 20 percent of its Title I, Part A allocation, before any reservations, on: (1) choice-related transportation; (2) supplemental educational services; or (3) a combination of (1) and (2). A district is permitted to count of a portion of its costs for parent outreach and assistance (up to an amount equal to 0.2 percent of its Title I, Part A allocation) toward meeting its 20 percent obligation.

There is a per pupil funding amount for supplemental services that must be adhered to. Each year the Department of Public Instruction will determine the per-pupil funding cap and approximate number of students that can receive supplemental services using the following formulas.

The statute sets the per-pupil cost for supplemental educational services at the lesser of an LEA's per-pupil allocation under Part A of Title I (determined as described in K-17) or actual cost of the services. The per-child allocation of Title I funds to LEAs varies widely across the nation, ranging from roughly \$900 to \$2,400. **Any excess costs to provide SES, including additional tutoring hours not covered in the LEA's agreement with the provider must be absorbed by the provider. The exception would be if the LEA decides to spend a per-pupil amount higher than the per-pupil cap and includes this higher per-pupil amount in the provider's contract. In this case, the LEA could use Title I Part A funds or other sources to cover the costs in excess of the per-pupil cap. LEA agreements with providers must indicate that the per-pupil cost for SES will not exceed the approved per-pupil cap or state the funding source that will cover the costs in excess of the per-pupil cap.**

Confidentiality

Providers must ensure that it does not disclose to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the student's parents [Section 1116(e)(3)(E)].

Reporting Requirements

Providers must work with districts and schools to submit information that schools and districts need to report annually to the Office of Federal Title Programs.

Additional Requirements

- Providers must ensure that supplemental services are consistent with applicable health, safety, and civil rights laws [Section 1116(e)(5)(C)].
- Providers must ensure supplemental services that are secular, neutral, and nonideological [Section 1116(e)(5)(D)].